

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RICHARD D. POLLEY and
LINDA RADFORD,

Plaintiffs,

vs.

No. 11 CV 861 KG/RHS

XUREX, INC. F/K/A/
XUREX NANO-COATINGS CORP.,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court *sua sponte*. On July 28, 2014, the Court granted the unopposed Motion to Withdraw as Counsel filed by Modrall, Sperling, Roehl, Harris & Sisk, P.A., for leave to withdraw from the representation of Defendant Xurex, Inc. (Doc. 122). In that Order, the Court ordered that substitution counsel file an entry of appearance with fifteen days. Defendant Xurex, Inc. failed to comply with that Order.

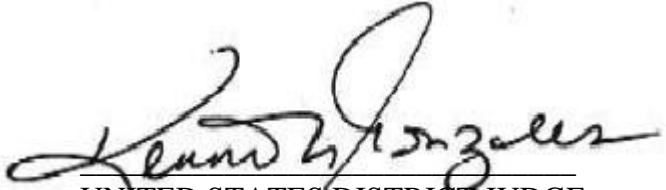
Section 1654 of Title 28 of the United States Code provides that “[i]n all courts of the United States the parties may plead and conduct their own cases personally or by counsel, as, by the rules of such courts, respectively, are permitted to manage and conduct cases therein.” 28 U.S.C. § 1654. Local Rule 83.7 states that “[a] corporation, partnership or business entity other than a natural person must be represented by an attorney authorized to practice before this Court.” D.N.M.LR-Civ. 83.7; *see also Rowland v. Cal. Men’s Colony*, 506 U.S. 194, 201-02 (1993) (stating that “[i]t has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel.”). Local Rule 83.8(c) also states that,

[a] motion to withdraw from representation of a corporation, partnership or business entity other than a natural person must include a notice that the corporation, partnership or business entity other than a natural person can appear only with an attorney. Absent entry of appearance by a new attorney, any filings made by the corporation, partnership or business entity other than a natural person may be stricken and default judgment or other sanctions imposed.

Due to Defendant Xurex, Inc.'s non-compliance with the Court order to obtain substitute counsel, the Court concludes that default judgment will be entered in favor of Plaintiffs as to all claims in Plaintiffs' Complaint (Doc. 1).

IT IS ORDERED that:

1. default judgment will be entered in favor of Plaintiffs as to all claims in Plaintiffs' Complaint (Doc. 1);
2. the Court will issue a minute order setting a date for a damages hearing; and
3. if Defendant Xurex, Inc. wishes to appear at and participate in the damages hearing, it must obtain substitute counsel within 15 days of the date of entry of this Order.



UNITED STATES DISTRICT JUDGE